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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,154	03/21/2001	Robert S. Marshall	A182 1010	2468

22850 7590 07/28/2006

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EXAMINER	
CHANG, JUNGWON	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/814,154	MARSHALL ET AL.	
	Examiner	Art Unit	
	Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/06 has been entered.

2. Claims 1-19 are presented for examination.

3. The objection to claim 1 is withdrawn in view of the amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwoegler (US 6,590,529), in view of Densmore (US 6,591,305) and Shelton et al. (5,848,378), hereinafter Shelton.

6. As to claim 1, Schwoegler discloses the invention substantially as claimed, including a method for the streaming of dynamic weather content simultaneously (broadcasting; col. 1, lines 21-28; col. 9, lines 51-58) to a plurality of end user clients in a wide area communication system, comprising the steps performed at a centralized weather content server (50, fig. 3; col. 1, lines 26-28) of:

collecting dynamic weather content continuously and directly from a plurality of weather stations (52, fig. 3; weather service provider; 802, figs. 15-16; weather data vendor 900, fig. 18; col. 6, lines 7-11) (figs. 3-4; 100, fig. 5; col. 6, lines 55-66; col. 7, lines 40-49; col. 9, lines 35-50; col. 14, lines 16-17);

storing the dynamic weather content in the centralized weather content server (66, fig. 3; col. 3, lines 23-33);

receiving a request for dynamic weather content for a particular locality from each end user client (106, fig. 5; 402, fig. 8; 602, fig. 10; location specific weather forecasting system which allows users to receive weather forecasts specific to their location; col. 1, lines 12-28; col. 2, lines 5-7; transmitting to the electronic device, i.e., user's cellular telephone, upon request forecasted weather information specific to the location; col. 3, lines 6-13; col. 5, lines 32-46; col. 6, lines 1-6; col. 7, lines 5-7 and 45-47; col. 8, lines 59-60; national weather service forecast for the user's city or country location; col. 10, lines 6-18); and

selecting a particular dynamic weather content to be directly delivered from the centralized weather content server to each end user client in response to each request (108, fig. 5; col. 3, lines 6-13; retrieving forecast products upon receiving a request; col. 7, lines 17-

26, 47-48, 56-59; col. 8, lines 30-32), said particular dynamic weather content including data collected from at least one of the plurality of weather stations in a locality associated with respective request from each end user client (location specific weather forecasting system which allows users to receive weather forecasts specific to their location; col. 1, lines 12-28; col. 2, lines 5-7; col. 3, lines 6-13; col. 5, lines 32-46; col. 6, lines 1-6; col. 7, lines 5-7 and 45-47; col. 8, lines 59-60; national weather service forecast for the user's city or country location; col. 10, lines 6-18); and

transmitting the selected particular dynamic weather content directly from the centralized weather content server and simultaneously (broadcast; col. 9, lines 51-58) to each end user client (110, fig. 5; transmitting to the electronic device upon request forecasted weather information specific to the location of the electronic device; col. 3, lines 6-13; col. 7, lines 48-49; col. 10, lines 6-11).

7. Schwoegler discloses a plurality of weather stations (52, fig. 3; weather service provider; 802, figs. 15-16; weather data vendors 900, fig. 18; col. 5, lines 32-46; National Weather Service, other vendors; col. 6, lines 7-11; NOAA-National Weather Service, Washington DC; col. 9, lines 35-39; col. 14, lines 16-27). Although weather stations of Schwoegler (col. 6, lines 7-11; col. 9, lines 35-39; col. 14, lines 16-27) inherently located in different locations, Schwoegler does not specifically disclose that the plurality of weather stations is positioned in different localities. Shelton discloses a plurality of weather stations is positioned in different localities (weather center; fig. 1; number of weather stations are located at areas; col. 3, lines 21-32; col. 6, lines 25-37;

col. 7, lines 36-59; col. 9, lines 1-19 and 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schwoegler and Shelton because Shelton's weather stations in different localities would provide more accurate and detailed weather forecast for a particular local area directly measured by various weather-sensing instruments suited for use in the weather stations (Shelton, col. 9, line 65 – col. 10, line 14).

Schwoegler discloses periodically transmitting the selected weather content simultaneously to each end user client (90, fig. 4; 110, fig. 5; col. 7, lines 48-49; col. 10, lines 6-11). However, Schwoegler does not specifically disclose request at predetermined time intervals. Densmore discloses request at predetermined time intervals (client objects periodically request; abstract; 426, fig. 4; making repeated requests; col. 6, lines 35-49; col. 7, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schwoegler and Densmore because Densmore's periodic request would allow the client regularly to receive new and updated content from the server.

8. As to claim 2, Schwoegler discloses wherein the wide area communications system is the Internet (col. 1, lines 12-18; col. 11, lines 14-21).

9. As to claim 3, Schwoegler discloses collecting dynamic weather content continuously comprises the act of receiving dynamically changing weather content from

a plurality of geographically distributed weather stations (52, fig. 3; col. 6, lines 7-11) (periodically updating the weather forecast data; col. 3, lines 23-27).

10. As to claim 4, Schwoegler discloses collection dynamic weather content comprises the act of receiving local weather alert content from at least one weather source (col. 9, lines 46-50; col. 10, lines 40-53).

11. As to claim 5, Schwoegler discloses dynamic weather content is updated in real-time (real-time weather forecast information; col. 2, lines 15-20; col. 9, lines 29-34).

12. As to claim 6, Schwoegler discloses interactively registering each end user client (valid user; 604, fig. 10; subscriber; col. 7, lines 4-8; information stored in a client database; col. 9, lines 1-2), including completion of a user profile (606, fig. 10; col. 8, line 67 – col. 9, line 1; col. 10, line 62), before selected particular dynamic weather content is delivered to each end user client (col. 8, line 60 – col. 9, line 7); providing each end user client with a configuration for controlling the display (12, fig. 1; 16, fig. 2) of the selected particular dynamic weather content (displaying in various formats; col. 12, lines 4-15; col. 10, lines 18-29).

13. As to claim 7, Schwoegler discloses the act of placing a current temperature icon that is updated in real-time on a display associated with each end user client (figs. 1-2; col. 4, lines 57-67; figs. 11-14; col. 9, lines 20-28; col. 13, lines 30-36).

14. As to claim 8, Schwoegler discloses the step of receiving a request for dynamic weather content from an end user client includes processing a message formatted according to the HyperText Transfer Protocol (HTTP) (col. 11, lines 14-21).

15. As to claim 9, Schwoegler discloses wherein the selected weather content is streamed as dynamically-changing local data to each end user client display (figs. 1-2; col. 4, lines 57-67; figs. 11-14; col. 9, lines 20-28) and includes a current temperature icon that is placed in a system tray on a display associated with the end user client (col. 13, lines 30-36; col. 4, lines 65-67).

16. As to claim 10, it is rejected for the same reasons set forth in claim 1 above. In addition, Schwoegler discloses at least one storage device (66, fig. 3; 916, 918, fig. 18) for storing a plurality of databases (col. 3, lines 23-27; col. 6, lines 12-20; col. 7, lines 40-45; col. 14, lines 16-25), including a weather content database (66, fig. 3; 916, 918, fig. 18); and

a centralized weather content server (col. 1, lines 26-28; 50, fig. 3) connected to the storage device (66, fig. 3) and operating a computer program (col. 7, lines 50-59) including:

an information handling component (62, 64, fig. 3) for collecting dynamic weather content continuously and directly from a plurality of weather stations (52, fig. 3; col. 6, lines 7-11) to distribute to the end user clients (col. 6, lines 7-20; col. 9, lines 35-50; col.

14, lines 16-17);

a message receiving component (60, 78, fig. 3) for receiving a request for dynamic weather content from each end user client (106, fig. 5; 402, fig. 8; 602, fig. 10; col. 7, lines 3-7 and 45-47; col. 8, lines 59-60);

a selection component (84, fig. 3) for selecting local weather content to be delivered to each end user client in response to each request (108, fig. 5; col. 7, lines 17-26 and 47-48; col. 8, lines 30-32);

a storing component for storing the dynamic weather content in the weather content database (66, fig. 3; col. 3, lines 23-33);

a transmission component (80, fig. 3) for transmitting the selected particular weather content directly from the centralized weather content server and simultaneously to each end user client (110, fig. 5; col. 7, lines 48-49; col. 10, lines 6-11).

17. As to claim 11, it is rejected for the same reasons set forth in claim 6 above.

18. As to claim 12, it is rejected for the same reasons set forth in claim 8 above.

19. As to claim 13, it is rejected for the same reasons set forth in claim 9 above.

20. As to claim 14, it is rejected for the same reasons set forth in claims 1 and 10 above. In addition, Schwoegler discloses a computer readable medium containing a

computer program product (col. 3, lines 40-49; col. 6, lines 15-28; col. 7, lines 50-59; col. 9, lines 35-50; col. 13, line 65 – col. 14, line 10).

21. As to claim 15, it is rejected for the same reasons set forth in claim 3 above.

22. As to claim 16, it is rejected for the same reasons set forth in claim 4 above.

23. As to claim 17, it is rejected for the same reasons set forth in claim 5 above.

24. As to claim 18, it is rejected for the same reasons set forth in claim 6 above.

25. As to claim 19, it is rejected for the same reasons set forth in claim 8 above.

Response to Arguments

26. Applicant's arguments filed on 4/11/06 have been fully considered but they are not persuasive.

(1) Applicant asserts on page 9 of the remarks that nowhere does Schwoegler teach or suggest the steps of collecting dynamic weather content continuously and ***directly from a plurality of weather stations positioned in different localities; storing the dynamic weather content in the centralized weather content server***; and

transmitting the selected particular dynamic weather content ***directly from the centralized weather content server*** and simultaneously to each end user client.

The examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, Schewoegler explicitly teaches a plurality of weather stations (52, fig. 3; weather service provider; 802, figs. 15-16; weather data vendors 900, fig. 18; col. 5, lines 32-46; National Weather Service, other vendors; col. 6, lines 7-11; NOAA-National Weather Service, Washington DC; col. 9, lines 35-39; col. 14, lines 16-27). Although the plurality of weather stations of Schwoegler (col. 6, lines 7-11; col. 9, lines 35-39; col. 14, lines 16-27) inherently located in different locations, Schwoegler does not specifically disclose that the plurality of weather stations is positioned in different localities. Shelton discloses a plurality of weather stations is positioned in different localities (weather center; fig. 1; number of weather stations are located at areas; col. 3, lines 21-32; col. 6, lines 25-37; col. 7, lines 36-59; col. 9, lines 1-19 and 57-64). Schewoegler also explicitly teaches ***storing the dynamic weather content in the centralized weather content server*** (66, fig. 3; col. 3, lines 23-33); and transmitting the selected particular dynamic weather content ***directly from the centralized weather content server*** and simultaneously to each end user client (client 56, fig. 3 directly

received the selected particular dynamic content from the centralized weather content server, 50, fig. 3).

(2) Applicant assets on 11 of the remarks that nowhere does Shelton teach or suggest the steps of collecting dynamic weather content continuously and ***directly from a plurality of weather stations positioned in different localities; storing the dynamic weather content in the centralized weather content server***; and transmitting the selected particular dynamic weather content ***directly from the centralized weather content server*** and simultaneously to each end user client.

The examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner relied on Shelton only to teach a plurality of weather stations is positioned in different localities. Therefore, Shelton does not have to teach every limitation.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

McKewon et al, patent 6,980,908, Schwoegler, 2004/0010372, Kelly et al, patent 6,823,263 disclose a method and system for providing personalized weather reports for specific geographic locations.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
Primary Examiner
July 24, 2006